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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,437	10/18/2000	Michel K. Susai	2006579-0454 (CTX-170)	3741

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CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental
Office Action Summary

Application No.

09/690,437

Applicant(s)

SUSAI ET AL.

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF ~~THIS COMMUNICATION~~. *The previous communication*

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of ~~this communication~~ *2/10/2006*
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

SUPPLEMENTAL ACTION

1. As per applicant's request, supplemental office action with proper citation to the parent application is enclosed herein. Due to the nature of this formality correction, there will be no extension of time granted for responding to Office Action filed mailed on 02/10/2006.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/2005 has been entered. Claims 1-8 are presented for examination, claims 1 and 5 are currently amended; claims 2-4 and 6-7 are previously presented.

3. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

4. Applicant is required to update the status (pending, allowed, etc.) of all parent priority applications in the first line of the specification. The status of all citations of US filed applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 112, second paragraph

5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack antecedent basis:

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- i. said second connection – claims 1, line 6; claim 5, lines 6-7.
- ii. said third connection – claim 2, line 2

Means/Step Plus Function Language

5. Applicants have an opportunity and obligation to precisely define their invention in terms that can be interpreted to invoke 35 U.S.C. 112, sixth paragraph. Thus, the best practice is to have applicant (NOT the examiner) show why the claim language invokes or does not invoke 35 U.S.C. 112, sixth paragraph.

If applicant wishes 35 U.S.C. 112 sixth paragraph, interpretation, Applicant must:

- Show why the claim language properly invokes 35 U.S.C. 112, sixth paragraph
- Identify the function
- Identify the corresponding structure
- Amend specification to be explicitly state what structure corresponds to the recited function with reference to the claimed terms and phrases, provided no new matter is introduced

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

7. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Peiffer et al. (hereinafter Peiffer), 2002/0042839, which is wholly incorporated by reference Peiffer et al. US 60-239552, having an effective filing date of 10/10/2000.

8. As per claim 1, Peiffer teaches an apparatus comprising:

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means for opening a first transport layer connection between a first client and an interface unit (pg 3, line 15, where interface unit is the multiplexer/demultiplexer 18; pg 3, line 20, client 12; pg 3, line 20 – pg 4, line 3, communications session between clients and the multiplexer/demultiplexer 18 is done through TCP/IP connections);

means for opening a second transport layer connection between said interface unit and a server (pg 4, lines 9-14, where persistent server sockets are opened between the multiplexer/demultiplexer 18 and the server socket(s));

means for allowing said first client to access information on said server via said second connection (pg 4, lines 14-18, client requests are routed to the corresponding server socket(s));

means for opening a third transport layer connection between said second client and said interface unit (pg 3, line 20 – pg 4, line 3, communications session between clients and the ultiplexer/demultiplexer 18 is done through TCP/IP connections);

means for allowing said second client to access information on said server via said second connection without waiting for said first client to disconnect (pg 6, lines 1-3; pg 5, lines 4-7; where requests from multiple clients are multiplexed together and send to a single server socket, therefore the connection is shared between multiple clients).

8. As per claim 5, the claim is rejected for the same reasons as rejection to claim 1 above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer, as applied to claims 1 and 5 above, in view of what was well known in the art.

11. As per claim 2, Peiffer disclose the invention substantially as rejected in claim 1 above, including means for keeping open said second connection (pg 4, lines 9-13, persistent TCP connections are always open).

Peiffer does not explicitly say delinking said first connection and said third connection

Official Notice is taken (see MPEP 2144.03) delinking TCP session is well known and routinely used for resource conservation purposes at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include delinking TCP sessions with Peiffer because it would provide resource reservation, by setting parameters within the TCP session to terminate idle sessions.

12. As per claim 6, the claim is rejected for the same reasons as rejection to claim 2 above.

13. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peiffer, as applied to claims 1 and 5 above, in view of RFC 2616, Fielding et al. (hereinafter Fielding), June 1999.

14. As per claim 3, Peiffer disclose the invention substantially as rejected in claim 1 above, but does not explicitly say means for utilizing a content length parameter to determine whether all of said information has been sent to said first client.

However, Fielding teaches means for utilizing a content length parameter to determine whether all of said information has been sent to said first client (Fielding, 3.6.1. Chunked Transfer Coding, lines 1-6, it should be noted that the coding works bi-directional within any network).

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It would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate Fielding teaching with Peiffer because the combination would improve the accuracy and safe transport by utilizing a verification scheme, (Fielding, Fielding, 3.6.1. Chunked Transfer Coding, lines 1-6; Fielding, 3.6 Transfer Codings, lines 1-5).

15. As per claims 4, and 7-8, the claims are rejected for the same reasons as rejection to claim 3 above. Note that each chunk contains its own size fields.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Apparatus, Method And Computer Program Product For Efficiently Pooling Connections Between Clients And Servers".

- | | | |
|------|-----------------|----------------|
| i. | US 2001/0047421 | Sridhar et al. |
| ii. | US 6820133 | Grove et al. |
| iii. | US 6757738 | Cao et al. |
| iv. | US 5943408 | Chen et al. |

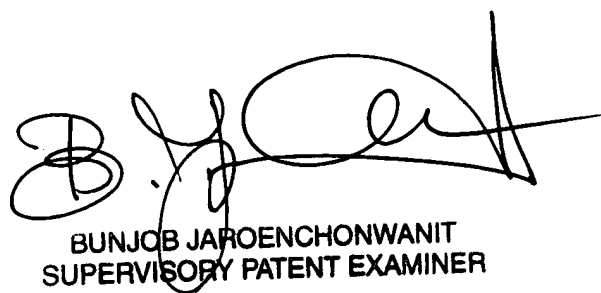
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
January 19, 2006



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER